

Application Serial No. 10/034,785
Attorney Docket No. 03237.0001U2

Examiner Hal Wachsman
Group Art Unit 2857

II. Remarks

Claims 12–38 and 40–44 have been canceled. Dependent claims 70–78 have been added. Claims 1–11, 39, and 45–69 remain pending in the application and Applicant requests entry of dependent claims 70–78. The Applicant gratefully acknowledges the Examiner's careful review of the application and finding that the application is in condition for allowance except for formal matters.

A. Objection to the Attempted Amendment to Claim 9

The Examiner commented that:

- a) The amendment to claim 9, line 5, is improper under 37 C.F.R. 1.121 because a single brackets and not a double brackets was used to delete the letter "s" in the word "indications". Appropriate correction is required.

Office Action, p. 2. The Applicant has corrected the previously submitted amendment to claim 9 to conform with 37 C.F.R. § 1.121 as requested.

B. Objections to the Specification

The Examiner has objected to the specification and requested the submission of a substitute specification excluding the claims under 37 C.F.R. § 1.125(a). The Applicant understands the objections to the specification to include:

1. various formal errors in the "Brief Description of the Drawings" associated with the descriptions of FIGS. 11B, 16B, and 17-1; and
2. a lack of proper antecedent basis for subject matter of claims 50 and 55 for the phrases "during 1990 or later," "during the 1980s," and "before 1980."

Office Action, pp. 3–4.

The Applicant therefore submits a substitute specification excluding claims but including an Abstract. More specifically, the Applicant encloses a marked up version (Exhibit A) and a clean version (Exhibit B) as required under 37 C.F.R. § 1.125(c). Exhibit A is marked up to

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reflect changes from the *original specification* as filed on December 27, 2001, which the Applicant understands to be the only version of the specification that is officially "of record" in the application. Applicant submits that the substitute specification addresses all issues raised in ¶ 2. The substitute specification also addresses the issues raised by the Examiner in ¶¶ 6–11 of the Office Action mailed March 19, 2004. Therefore, all changes to the original specification that the Applicant wishes to have entered in the application are reflected in Exhibits A and B. No new matter has been added to the substitute specification.

C. Objections to Claims 1–11, 39, and 45–68

The Examiner has objected to claims 1–11, 39, and 45–68 "under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention." Office Action, p. 4. The Examiner also "asks the applicant to better claim" various elements described in the Office Action even though he "understands the intentions of the applicant."

The Applicant gratefully acknowledges the Examiner's careful and thorough review of the claims and his indication that all claims are allowable. To address the objections raised by the Examiner, the Applicant has amended claims 1, 3, 5, 9, 39, 46–48, 50, 52, 53, 55, 57, 62, 64, and 66. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw his objections to the claims.

D. New Dependent Claims 70–78

The Applicant recognizes that prosecution on the merits is closed. However, the Applicant has added new claims 70–78, which are believed patentable. Claims 70–78 depend directly or indirectly upon claims already indicated to be allowed and should therefore be allowable as presented. Applicant has also amended claim 7 to depend upon new dependent claim 70 instead of independent claim 1 and amended claim 64 to depend upon new dependent

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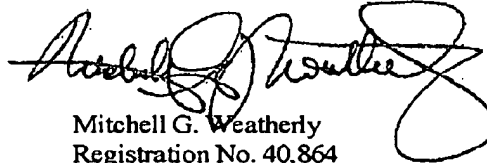
claim 73 instead of independent claim 39. Applicant submits that each of new claims 70-78 are allowable at least because they depend upon previously allowed claims and do not require an additional search. Therefore, the Applicant respectfully requests that the Examiner enter and allow new claims 70-78 as contemplated under MPEP §714.20.

III. Conclusion

The undersigned believes that no fee is due in connection with this paper. However, if the undersigned is mistaken, the Commissioner is authorized to charge deposit account no. 50-3091 to cover any fee due. For all the reasons discussed above, Applicant respectfully requests that the Examiner do the following:

1. enter the amendments to the specification and claims presented in this paper;
2. cancel claims 12-38 and 40-44;
3. reconsider and withdraw his objections to the specification;
4. reconsider and withdraw his objections to claims 1-11, 39, and 45-68;
5. enter the amendment adding new claims 70-78; and
6. consider and allow all pending claims so that a patent containing claims 1-11, 39, and 45-78 may issue in due course.

Respectfully submitted
on January 5, 2005,
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